

Court concludes that the Plaintiff is entitled to an award of attorney's fees under the EAJA.

The Plaintiff requests that the EAJA award be paid directly to Plaintiff's counsel as the Plaintiff's assignee. In support of this request, the Plaintiff has submitted a fee agreement executed by the Plaintiff, pursuant to which the Plaintiff has agreed to assign any EAJA fee award in favor of counsel. [Doc. 20-1]. The Court finds that the Commissioner should accept this assignment of the awarded fees by the Plaintiff to counsel and upon receipt of such assignment, the Commissioner will pay that award of fees directly to Plaintiff's counsel, provided that it is shown that the Plaintiff does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, 560 U.S. 286 (2010).

Finally, the Court notes that the caption of the Plaintiff's motion indicates that the Plaintiff is also seeking an award of costs. The Plaintiff, however, was granted leave to proceed in this case without the prepayment of fees and costs. [See Doc. 3]. The Plaintiff has not identified any other costs that were incurred in the prosecution of this action. Accordingly, the Plaintiff's request for an award of costs is denied.


IT IS, THEREFORE, ORDERED that:

- (1) The Plaintiff's Petition [Doc. 19] is hereby **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Plaintiff's request for an award of fees is **GRANTED**, and the Plaintiff is hereby awarded attorney's fees in the amount of Seven Thousand Nine Hundred Dollars (\$7,900.00), which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d). The Plaintiff's request for the award of costs is **DENIED**;
- (2) Within thirty (30) days of the entry of this Order, or some other time as determined by the Court upon good cause shown, the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset. Before any funds are disbursed to counsel, the Plaintiff's counsel shall provide a valid fee assignment to the Defendant;
- 3) In the event that past-due benefits are awarded on remand, the Plaintiff shall have sixty (60) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b); and

- (4) No additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

IT IS SO ORDERED.

Signed: March 25, 2024



Martin Reidinger
Chief United States District Judge

